IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE SEVENTEENTH DAY OF APRIL

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4234 OF 2006

Between:

Gadela Poornachandra Rao, s/o. late Surayya,

Aged about 52 years, 0cc. Contractor,

PVK Naidu Market, Guntur,

Guntur District. … Petitioner

Versus

The Commissioner,

Municipal Corporation of Guntur,

Guntur,

Guntur District. … Respondent

Counsel for the Petitioners: Sri T.S.Venkataramana

Counsel for the Respondent: GP for MPL Admn.& Rural Development

O R D E R :

The petitioner was the highest bidder having offered highest bid amount of Rs.40,25,999-00 in respect of the lease-hold rights for collecting market-fee for the year 2005-06 in respect of P.V.K.Naidu Market and Kolli Sarada Wholesale Vegetable Market.

It is stated that the petitioner paid about Rs.30,19,500-00 leaving a balance of Rs.10,06,500-00 and for the payment of the balance amount a notice dated 30-12-2005 was issued to the petitioner. In response to the said notice, the petitioner made a representation dated 04-1-2006 seeking remission of certain amount and also for the extension of the lease period for the next year 2006-07.

Questioning the said notice dated 30-12-2005, the petitioner filed earlier, WP.No.706 of 2006, which was disposed of on 10-1-2006 directing the respondent to consider and

dispose of the representation of the petitioner dated 04-1-2006, in accordance with law, within a period of six weeks, from the date of receipt of the said order.

It is stated that the said representation dated 04-1-2006 has not been considered and disposed of but fresh auction notification was issued proposing the auction of leasehold rights of the said market.

Questioning the auction notice, the present writ petition has been filed stating that in respect of six others extension of lease have been made but in spite of the direction of this court no extension of the petitioner was granted and the representation dated 04-1-2006 was not at all considered and disposed of.

This court while admitting the writ petition observed that as the petitioner's contract is valid upto 31-03-2005, the respondent may proceed with the auction proceedings, pursuant to the notification, dated 25-2-2006, but shall not take any final decision in the matter.

The learned counsel appearing for the petitioner submits that pursuant to the direction of this court auction have been held and the highest bid amount offered by the third parties to a sum of Rs.29,00,000-00 and the petitioner was prepared to take renewal of the said lease for the year 2006-07 on the existing amount of Rs.40,25,999-00 but the respondent has not considered and disposed of.

On the other hand, the respondent filed his counter stating that the petitioner is due and payable of a sum of Rs.5,06,500-00 and the said amount was only paid on 10-6-2006 through cheques after filing the writ petition, and therefore, the request of the petitioner for extension of the lease period was not considered.

Having regard to the facts and circumstances of the case, I am of the opinion that though the said action of the respondent appears to be contemptuous and contrary to the orders passed by this court. As admittedly no orders have been passed and mere taking a decision by rejecting the renewal of lease of the petitioner will not amount to compliance of orders passed by this court. If any decision is taken and without informing the same to the petitioner may not tantamount to compliance of the orders passed by this court. But however, having regard to the facts and circumstances, as the respondent has not at all considered the said representation but no orders have been passed, the petitioner is directed to make a fresh representation within one week from today and on filing such representation, the respondent shall consider and pass reasoned order and communicate the same to the petitioner. After passing the orders and if no decision has been taken renewing the said lease, it is open for the respondent to issue fresh notification calling for the tenders. However, the petitioner is permitted to participate in the auction and that whoever offers highest bid amount, it is for the respondent to consider and finalize the highest bid in accordance with law.

The writ petition is accordingly disposed of. No costs.

APRIL 17th, 2006. ----------

I s L. V. ESWARAIAH , J.

NB: Issue CC tomorrow.

B/o. IsL.